

1 Alan Harris (SBN 146079)
 David Harris (SBN 215224)
 2 David Zelenski (SBN 231768)
 HARRIS & RUBLE
 3 5455 Wilshire Boulevard, Suite 1800
 Los Angeles, California 90069
 4 Telephone: (323) 931-3777
 Facsimile: (323) 931-3366

5 Attorneys for Plaintiff

6
 7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 VIRGINIA PEREZ, individually,
 11 and on behalf of all others similarly
 12 situated,

13 Plaintiff,

14 v.

15 MAID BRIGADE, INC., a
 Delaware Corporation, and BMJ
 16 LLC, a California Limited Liability
 Company,

17 Defendants.
 18

Case No. C 07-3473 SI

**[PROPOSED] ORDER OF FINAL
 APPROVAL AND JUDGMENT OF
 DISMISSAL**

Date: November 5, 2008
 Time: 4:00 p.m.
 Dep't: 10

Assigned to Hon. Susan Illston

19
 20
 21
 22
 23
 24
 25
 26
 27
 28

1 On November 5, 2008, Plaintiff's Motion for Final Approval of Class-
2 Action Settlement and Plaintiff's Motion for Award of Attorney's Fees and
3 Reimbursement of Costs came on for hearing. Jonathan Ricasa of Harris & Ruble
4 appeared on behalf of Plaintiff; Daniel M. Shea and Michelle W. Johnson of Nelson
5 Mullins Riley & Scarborough, as well as James Bowles of Hill, Farrer & Burrill LLP,
6 appeared on behalf of Defendants.

7 The Court having considered whether to order final approval of the settlement of
8 the above-captioned action pursuant to the Stipulation of Settlement ("Settlement") filed
9 on or about May 23, 2008; having read and considered all of the papers of the parties and
10 their counsel; having granted preliminary approval and directed that notice be given to all
11 Class Members of preliminary approval of the Settlement, the final approval hearing, and
12 the right to be excluded from the settlement; having received no objections to the
13 Settlement; and having concluded that good cause appears therefor, **IT IS HEREBY**
14 **ORDERED** as follows:

15 1. The terms used in this Order have the meaning assigned to them in the
16 Stipulation of Settlement.

17 2. This Court has jurisdiction over the claims asserted in the Litigation by
18 Plaintiff Virginia Perez and over Class Members and Settling Defendants.

19 3. The Court hereby makes final the conditional class certification contained in
20 the Order Granting Plaintiff's Motion for Preliminary Approval of Class-Action
21 Settlement ("Order of Preliminary Approval and Certification of the Settlement Class")
22 and thus makes final for purposes of the Settlement the certification of a class whose
23 members consist of all persons who, according to BMJ LLC's payroll records, were
24 employed by BMJ LLC as non-exempt employees in California between July 7, 2003,
25 and June 19, 2008, except for those persons who timely requested to be excluded from
26 the Settlement in accordance with the terms thereof, as reported in the Declaration of
27 Alan Harris in Support of Motion for Final Approval of Class-Action Settlement and the
28

1 Supplemental Declaration of Alan Harris in Support of Motion for Final Approval of
2 Class-Action Settlement on file herein. The Court notes that no persons requested to be
3 excluded from the Settlement.

4 4. The Court hereby finds that (1) the Notice of Preliminary Approval and
5 Final Approval Hearing and Right to Be Excluded and (2) the Claim Form, as mailed to
6 all Class Members pursuant to the Stipulation of Settlement, fairly and adequately
7 described the proposed Settlement, the manner in which Class Members could object to
8 or participate in the Settlement, and the manner in which Class Members could opt out of
9 the Class; was the best notice practicable under the circumstances; was valid, due, and
10 sufficient notice to all Class Members; and complied fully with the Federal Rules of Civil
11 Procedure, due process, and all other applicable laws. The Court further finds that a full
12 and fair opportunity has been afforded to Class Members to participate in the proceedings
13 convened to determine whether the proposed Settlement should be given final approval.
14 Accordingly, the Court hereby determines that all Class Members who did not file a
15 timely and proper request to be excluded from the Settlement are bound by this final
16 order.

17 5. The Court hereby finds that the Settlement is fair, reasonable, and adequate
18 as to the Class, Plaintiff, and Settling Defendants; that it is the product of good-faith,
19 arms-length negotiations between the parties; and that the Settlement is consistent with
20 public policy and fully complies with all applicable provisions of the law. Accordingly,
21 the Court hereby finally and unconditionally approves the Settlement and authorizes
22 Settling Defendants to pay the Individual Settlement Amounts and associated tax
23 obligations from the Settlement Amount in accordance with the terms of the Settlement.

24 6. Settling Defendants agreed in the Settlement not to object to Plaintiff's
25 request for an enhancement award of \$5,000 as payment to her for her service as
26 Plaintiff. The Court has considered Plaintiff's request for an enhancement award of
27 \$5,000 and, good cause appearing, hereby grants Plaintiff's request in the amount of
28

1 \$5,000 and authorizes Settling Defendants to pay this amount from the Settlement
2 Amount in accordance with the terms of the Settlement.

3 7. Settling Defendants further agreed in the Settlement to pay reasonable
4 attorney's fees, expenses, and costs to Plaintiff's Counsel up to a maximum of \$30,000 as
5 approved by the Court. Settling Defendants further agreed in the Settlement to pay from
6 the Settlement Amount the reasonable costs of the Qualified Settlement Administrator
7 associated with the notices to the Class and the administration of the Settlement and all
8 costs associated with distribution of Individual Settlement Amounts to Class Members.
9 Under the terms of the Settlement, and pursuant to the Order of Preliminary Approval
10 and Certification of the Settlement Class, Plaintiff's Counsel was the Qualified
11 Settlement Administrator. The Court has considered Plaintiff's Motion for Award of
12 Attorney's Fees and Reimbursement of Costs and, good cause appearing, hereby awards
13 Plaintiff's Counsel's attorney's fees in the amount of \$30,000, as well as \$9,000 for all
14 costs and expenses—including claims-administration costs and expenses—incurred in
15 this action. The Court authorizes Settling Defendants to pay such amounts from the
16 Settlement Amount in accordance with the terms of the Settlement.

17 8. The Litigation is hereby dismissed with prejudice *provided*, however, that,
18 without affecting the finality of this Order, the Court retains exclusive and continuing
19 jurisdiction over the Litigation, Plaintiff, all Class Members, and Settling Defendants for
20 purposes of supervising, administering, implementing, interpreting, and enforcing this
21 Order and the Settlement.

22
23 Dated: November 5, 2008



Hon. Susan Illston
U.S. District Court Judge